

REMARKS

Claims 1-10 and 21-25 are currently pending in the present application. Although amendments were filed with the Response of July 14, 2008, the Advisory Action refused to enter the amendments for the purposes of appeal because the amendments raise new issues that would require further consideration and/or search. Claims 8, 21, 22 and 23 were amended to address the Office Action rejection under 35 U.S.C. §112, second paragraph. Support for the amendments can be found at least in the originally filed claims. No new matter has been added.

The Assignee respectfully requests reconsideration of pending claims 1-10 and 21-25, and allowance of the present application in view of the amendments and following remarks. Because the Advisory Action refused to enter the amendments for the purposes of appeal because the amendments raise new issues that would require further consideration and/or search, Assignee respectfully submits that a first action final rejection would be improper under MPEP § 706.07(b).

I. Rejections Under 35 U.S.C. § 112

The Office Action rejected claims 8, 21, 22 and 23 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Assignee regards as the invention. In view of the amendments to claims 8, 21, 22 and 23, Assignee respectfully traverses these rejections.

II. Rejections Under 35 U.S.C. § 132(a)

The Office Action objected to claims 1 and 6, asserting that the amendment filed on March 7, 2008 introduced new matter into the disclosure. The Office Action asserts that the feature "assigning at least one of a plurality of participants also to a second account" added to claims 1 and 6 is neither taught by the previous claims nor the specification. The Assignee respectfully disagrees and submits that the Application, at least at ¶ 0114, recites "a joint venture exists between two companies (called Yellow and Blue), an account called Green, which is made up Yellow and Blue, can be created" and the "ability to organize the members of a joint venture under a single account, under which the members may have common policies that are separate from their respective

individual policies, is a unique feature of the accounts in of the present invention.” The Application, at ¶ 0114, indicates that the “grouping functionality enables the insurer to create accounts that reflect the complex business structures of some customers” and “capture the recursive relationships derived from complex business structures.” The Application, at ¶ 0095, indicates that the insurer has “the flexibility to define participants in many different capacities.” The Application, at ¶ 0114, describes assigning a participant (e.g., Yellow) of a first account (e.g., Yellow account) to a second account (e.g., Green account) while maintaining both accounts. The Application clearly describes organizing members of a joint venture under a second account (e.g., Green account) who continue to be members of their respective first accounts (e.g., Yellow and Blue accounts) so that the members of the second account may have common policies that are separate from their respective individual policies corresponding to their respective first accounts. Therefore, this amendment is described in the specification and this rejection should be withdrawn.

III. Rejections Under 35 U.S.C. § 103

The Office Action rejected claims 1-10 and 21-22 and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hele et al. (U.S. 2002/0111835 A1) in view of University of Arizona (2001) in further view of Heise et al. (U.S. 2003/0074229 A1). The Office Action rejected claims 23 and 24 under U.S.C. §103(a) as being unpatentable over Hele in view of University of Arizona in further view of Heise in further view of Perusse (1998).

Claims 1-5 and 25

Independent claim 1 recites “assigning each participant of the plurality of participants to a first account” and “assigning at least one of the plurality of participants also to a second account.” Claim 1 further recites “providing an account level underwriting decision at an account level based upon data related to the plurality of participants assigned to the first account; and displaying data related to the account level underwriting decision.” The Application, at ¶¶ 0004 and 0092, describes “a data structure that defines accounts and relates customers to accounts (an ‘account data

structure') so that the accounts include a group of related customers (customers that are included in an account may be referred to as 'participants')". The Application, at ¶¶ 0138 and Figures 30, indicates that an underwriting decision is determined at an account level based upon data related to a plurality of participants. The Office Action asserts that Hele in combination with Heise and the University of Arizona, the Hele-Arizona-Heise combination, discloses all the features of claim 1.

However, the Hele-Arizona-Heise combination does not teach or suggest assigning a plurality of participants to a first account and assigning at least one of the plurality of participants also to a second account. Instead, Hele is directed to a method, software and system for underwriting life insurance based on a single user profile. Hele, at ¶¶ 0005 and 0046, describes pricing a life insurance policy for a user as a function dependent on an individual user profile. The Office Action concedes that Hele does not explicitly disclose assigning a plurality of participants to an account.

Heise fails to fill the gap left by Hele. Instead, Heise is directed to a system and method for navigating a user through features of a plan design, implementation and administration. Heise, at ¶¶ 0010 and 0043, describes "a participant account" and indicates that "an employer who is sponsoring a non-qualified benefit plan would utilize a Plan Sponsor account (STEP 510), while an individual employee participating in a nonqualified benefit plan would utilize a Participant account." In other words, Heise describes a plan sponsor account for an employer and a participant account for an individual employee. Heise, at ¶ 0023, indicates that a "plan designer may customize the grouping of participants within a plan." Nowhere does Heise teach or suggest that a plan or a grouping of participants is an account, let alone assigning a plurality of participants to an account.

Neither Hele nor Heise, alone or in combination express even the slightest notion of "assigning at least one of the plurality of participants also to a second account." The Office Action asserts that the University of Arizona teaches assigning at least one of the plurality of participants also to a second account. However, the University of Arizona describes enrolling employees into plans. Nowhere does the University of Arizona teach or suggest assigning participants to a second account and nowhere does the

University of Arizona teach or suggest that a plan is an account as claimed. Thus, Hele and Heise, alone or in combination with the University of Arizona cannot be read to teach or suggest “assigning at least one of the plurality of participants also to a second account” and “providing an account level underwriting decision at an account level based upon data related to the plurality of participants assigned to a first account.” Therefore, independent claim 1 and claims 2-5 and 25, which depend from claim 1, are patentable over the combination of references.

Claim 2, which depends from claim 1, recites “providing a participant level underwriting decision for each participant separately based upon data related to the plurality of participants assigned to the first account.” The Office Action asserts that the Hele-Heise combination discloses all the features of claim 2. However, neither Hele nor Heise, alone or in combination teach or suggest providing a participant level underwriting decision for each participant separately, based upon data related to the plurality of participants assigned to the first account. For this additional reason, claim 2 is patentable over the references.

Claims 6-10 and 21-24

Independent claim 6 recites “assigning each participant of the plurality of participants to a first account” and “assigning at least one of the plurality of participants also to a second account.” These features recited in claim 6 are similar to the features in claim 1, which were noted above. For at least the same reasons as above regarding claim 1, claim 6 is patentable over the references. Therefore, claims 7-10 and 21-24, which depend from claim 6, are also patentable over the references.

Claim 6 further recites “storing data related to the plurality of participants, the first account and the second account in a database comprising a data structure, said data structure comprising a customer entity class and an account entity class.” The Office Action asserts that the Hele, Heise and the University of Arizona in combination disclose all the features of claim 6.

Neither Hele, Heise nor the University of Arizona, alone or in any combination teach or suggest a “data structure comprising a customer entity class and an account entity class.” Instead, Hele, at ¶¶ 0055, 0059-0060 and Figure 4, describes a database

server used to store answers in a user profile and underwriting rules for each carrier. Hele does not teach or suggest a data structure that includes a customer entity class and an account entity class. However, Heise fails to fill the gap left by Hele. Heise, at ¶¶ 0023, indicates that the “system allows the plan designer to create and maintain a repository of customized groupings of plan participants.” Nowhere does Heise teach or suggest a data structure that includes a customer entity class and an account entity class. The University of Arizona describes enrolling employees into plans. Neither Hele, Heise nor the University of Arizona, alone or in any combination teach or suggest a data structure that includes a customer entity class and an account entity class as claimed. Thus, independent claim 6 is patentable over Hele, Heise and the University of Arizona, alone or in any combination. For at least the same reasons regarding independent claim 6, dependent claims 7-10 and 21-24, which depend from claim 6, are patentable over the references.

Claim 8, as amended, recites “at least one of the plurality of participants represents a customer that owns a plurality of businesses.” The Application, at ¶¶ 0113-0114 and Figures 24-25, describes joint ventures where companies with subsidiaries are participants, in other words, participants who own multiple businesses. The Office Action asserts that Hele, Heise and the University of Arizona in combination disclose all the features of claim 8. However, nowhere does Hele, Heise or the University of Arizona express even the slightest notion of “at least one of the plurality of participants representing a customer that owns a plurality of businesses.” Thus, claim 8 is patentable over the references. For this additional reason claim 8 is patentable over the references.

Claim 21, as amended, recites “determining potential risk exposure of the first account based on a first potential risk exposure and a second potential risk exposure for a first set of businesses and a second set of businesses, respectively, wherein the at least one participant having a plurality of insurance policies has a plurality of businesses including the first set of businesses.” Claim 22, which depends from claim 21, as amended, recites “the plurality of insurance policies of the one participant having a plurality of insurance policies does not include a policy for the first set of businesses.”

The Application, at ¶¶ 0100 and 0102, describes determining risk exposure of an account based on multiple businesses owned by a customer. The Office Action asserts that Hele, Heise and the University of Arizona in combination disclose all the features of claims 21 and 22.

Hele, Heise and the University of Arizona, alone or in any combination do not teach or suggest “determining potential risk exposure of the first account based on a first potential risk exposure and a second potential risk exposure for a first set of businesses and a second set of businesses, respectively, wherein the at least one participant having a plurality of insurance policies has a plurality of businesses including the first set of businesses.” Instead, Hele, at ¶¶ 0043, 0055 and 0100, discloses a system and servers, including a business-to-business server, used to provide a user information from multiple insurance companies, carriers, products or lines indicating offered pricing. Hele at ¶ 0070 describes underwriting decisions based on the needs assessment of a user. Nowhere does Hele teach or suggest “determining potential risk exposure of the first account based on a first potential risk exposure and a second potential risk exposure for a first set of businesses and a second set of businesses, respectively.” The Office Action concedes that Hele does not explicitly disclose at least one participant having a plurality of insurance policies.

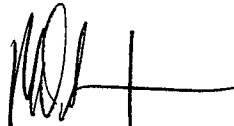
The Office Action asserts that the University of Arizona teaches a participant having a plurality of insurance policies and supplemental accounts to insurance accounts. However, Hele, Heise and the University of Arizona alone or in any combination do not teach or suggest “determining potential risk exposure of the first account based on a first potential risk exposure and a second potential risk exposure for a first set of businesses and a second set of businesses, respectively” and “at least one participant having a plurality of insurance policies has a plurality of businesses including the first set of businesses” as claimed. Thus, claims 21 and 22 are patentable over the references for the independently patentable features of claim 21 and 22, respectively.

Conclusion

With this response, the present pending claims of this application are allowable, and Assignee respectfully requests the Examiner to issue a Notice of Allowance for this application. Should the Examiner deem a telephone conference to be beneficial in expediting allowance/examination of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

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